

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLARD L. SLOAN, EUGENE J.
WINNINGHAM, and JAMES L. KELLEY,

Plaintiffs,

v.

BORGWARNER INC., BORGWARNER
DIVERSIFIED TRANSMISSION
PRODUCTS INC., and BORGWARNER
FLEXIBLE BENEFITS PLANS,

Defendants.

Case 2:09-cv-10918-PDB-MKM

U.S. District Judge Paul D. Borman

U.S. Magistrate Judge Mona K. Majzoub

**BORGWARNER'S SECOND SUPPLEMENTAL
APPENDIX OF SUMMARY JUDGMENT AUTHORITIES**

Tab Authority

Cases

36 *Harnden v. Jayco, Inc.*, 496 F.3d 579 (6th Cir. 2007)

37 *Nationwide Life Ins. Co. v. Haddock*, 460 F. App'x 26 (2d Cir. 2012)

Statutes and Rules

38 Federal Rule of Evidence 703

39 Federal Rule of Evidence 1006

Other Authorities

40 10B Charles Alan Wright et al., *Federal Practice and Procedure* § 2738 (3d ed. 1998 & Supp. 2012)

Dated: July 12, 2012

Elisa Angeli Palizzi (P52088)
(angeli@millercanfield.com)
Miller, Canfield, Paddock and Stone, P.L.C.
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
313.496.7635
313.963.6420 fax

Respectfully submitted,

s/Bobby R. Burchfield
Bobby R. Burchfield
(bburchfield@mwe.com)
Joshua David Rogaczewski
(jrogaczewski@mwe.com)
McDermott Will & Emery LLP
600 13th Street, Northwest
Washington, D.C. 20005
202.756.8000
202.756.8087 fax

*Attorneys for BorgWarner Inc., BorgWarner Diversified Transmission Products Inc., and
BorgWarner Flexible Benefits Plans*

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2012, I electronically filed the foregoing **BorgWarner's Second Supplemental Appendix of Summary Judgment Authorities** with the Clerk of the Court using the ECF system which will send notification of such filing to all ECF participants.

s/Bobby R. Burchfield
Bobby R. Burchfield
(bburchfield@mwe.com)
McDermott Will & Emery LLP
600 13th Street, Northwest
Washington, D.C. 20005
202.756.8000
202.756.8087 fax